

Message Text

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ORIGIN IO-10

INFO OCT-01 AF-06 EUR-12 ISO-00 ARA-06 EA-07 NEA-10 FEA-01

AID-05 CEQ-01 CIAE-00 OFA-01 COME-00 DODE-00 EB-07

EPA-01 INR-07 L-03 NSF-01 NSC-05 NSAE-00 PM-04

USIA-06 OES-03 SS-15 SP-02 INT-05 /119 R

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R 061555Z NOV 75

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

INFO USMISSION EC BRUSSELS

USMISSION GENEVA

USDEL MTN GENEVA

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AMEMBASSY NAIROBI

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E.O. 11652: N/A

TAGS: UNGA, EGEN

SUBJECT: 30TH UNGA - AGENDA ITEM 59: UNEP

REFS: (A) USUN 5584; (B) STATE 256538; (C) USUN 5292

1. REVISED DRAFT RESOLUTION ON UNEP CONTAINED REF (A) GIVES
US CONSIDERABLY MORE DIFFICULTY THAN ORIGINAL VERSION DIS-
CUSSED IN REFS (B) AND (C). FOLLOWING SUGGESTIONS FOR
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IMPROVEMENTS ARE PROVIDED FOR WHATEVER USE YOU CAN MAKE OF

THEM IN INFORMAL NEGOTIATIONS. WE WOULD NOT CONTEMPLATE CARRYING OUR SUGGESTIONS TO THE FLOOR, SO THAT IF UNACCEPTABLE VERSION IS PRESENTED, YOU SHOULD MERELY PROCEED TO VOTE AS INDICATED BELOW, WITH BRIEF EXPLANATION.

2. OMISSION OF PHRASE "RELEVANT PROVISIONS OF" FROM OPERATIVE PARA 2 REGARDING NEED FOR UNEP PROGRAM TO BE IN LINE WITH NIEO AND CERDS MAKES THIS PARA UNACCEPTABLE AND WOULD NECESSITATE U.S. ABSTENTION ON THE RESOLUTION AS A WHOLE. WHILE WE WOULD NOT WISH TO GO TO THE TROUBLE OF REQUESTING A SEPARATE VOTE ON THIS PARA, USDEL SHOULD VOTE "NO" ON PARA 2 IF ANOTHER DELEGATION SHOULD REQUEST SEPARATE VOTE. MODIFICATION SUGGESTED IN PARA 3 OF REF (B) WOULD MAKE OPERATIVE PARA 2 ACCEPTABLE, EVEN WITH THE OMISSION OF THE

PHRASE "RELEVANT PROVISIONS OF", SO THAT IT WOULD READ ALONG FOLLOWING LINES: "REQUESTS THE EXECUTIVE DIRECTOR OF UNEP, IN CARRYING OUT THE ACTIVITIES OF THE PROGRAM, TO BEAR IN MIND THE DECLARATION AND PROGRAM OF ACTION ON THE ESTABLISHMENT OF A NIEO, THE CERDS, AND THE DECISIONS OF THE SEVENTH SPECIAL SESSION OF THE GA."

3. NEW OPERATIVE PARA 4 REAFFIRMING RES3326 (XXIX) AND REQUESTING UNEP TO IMPLEMENT IT, IS ALSO UNACCEPTABLE SINCE U.S. VOTED "NO" ON THAT RESOLUTION. REASON FOR NEGATIVE VOTE WAS U.S. VIEW THAT GA WAS OUT OF ORDER IN ISSUING DETAILED ACTION INSTRUCTIONS TO UNEP EXECUTIVE DIRECTOR WITHOUT REFERENCE TO THE GOVERNING COUNCIL FROM WHICH THE EXECUTIVE DIRECTOR IS SUPPOSED TO TAKE HIS POLICY DIRECTION THUS UNACCEPTABLY ALTERING THE RELATIONSHIP BETWEEN THE GOVERNING COUNCIL AND THE EXECUTIVE DIRECTOR SET FORTH IN UNGA RES 2997 (XXVII). EVEN HAD THIS DEFICIENCY BEEN OVERCOME, U.S. WOULD HAVE HAD TO ABSTAIN BECAUSE OF OPERATIVE PARAS 2(A) AND 4(B) OF RES 3326 REQUESTING UNEP TO CONDUCT ITS ACTIVITIES IN LINE WITH NIEO. THUS PARA 4 OF NEW DRAFT COMPOUNDS OUR PROBLEM WITH PARA 2. WITH OR WITHOUT IMPROVEMENT IN PARA 2, PARA 4 AS WRITTEN WOULD NECESSITATE A U.S. ABSTENTION ON THE RESOLUTION AS A WHOLE, AND A NEGATIVE VOTE ON PARA 4 IF ANOTHER DELEGATION SHOULD REQUEST A SEPARATE VOTE. THE ONLY ACCEPTABLE LIMITED OFFICIAL USE

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SOLUTION WE CAN SEE TO PARA 4 WOULD BE TO CONVERT IT INTO A SIMPLE PREAMBULAR PARA "RECALLING" RES 3326, WITHOUT REQUESTING UNEP TO IMPLEMENT IT.

4. THIRD PREAMBULAR PARA GIVES US PROBLEM OF SOMEWHAT LESSER DEGREE THAT WOULD IN ITSELF NECESSITATE ABSTENTION IN CASE OF A VOTE. IN THE UNLIKELY EVENT THAT THIS SHOULD BE THE ONLY REMAINING PROBLEM WITH THE RESOLUTION, YOU MAY

ACQUIESCE IN ADOPTION WITHOUT A VOTE, THEREAFTER EXPLAIN-
ING THAT YOU WOULD HAVE ABSTAINED HAD THERE BEEN A VOTE
SINCE U.S. POSITIONS ON NIEO AND CERDS HAVE NOT CHANGED.
PROBLEM WOULD BE ELIMINATED WITH DELETION OF CLAUSE "WHICH
LAY DOWN THE FOUNDATIONS OF THE NIEO" FOLLOWING "CERDS."
AGAIN IN THE UNLIKELY EVENT THAT THIS CLAUSE SHOULD BE THE
ONLY REMAINING PROBLEM WITH THE RESOLUTION, YOU MAY AS A
FALL-BACK ACCEPT A CHANGE TO READ "WHOSE PURPOSE WAS TO LAY
DOWN THE FOUNDATION OF THE NIEO."

5. IN THE EVENT OF ABSTENTION UNDER ANY OF CIRCUMSTANCES
CONTEMPLATED IN THREE PRECEDING PARAS, THIS SHOULD BE
ACCOMPANIED BY EXPLANATION OF VOTE.

6. WE HOPE YOU WILL BE ABLE TO PURSUADE OUR PRINCIPAL
ALLIES TO TAKE SIMILAR POSITION. KISSINGER

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